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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/579,592

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Benny Radom

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EXAMINER

VU, THANH T

ART UNIT

PAPER NUMBER

2175

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,592	Applicant(s) RADOM ET AL.	
	Examiner THANH T. VU	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-25 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-25 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is responsive to Amendment, filed 09/09/2009

Claims 10-25 and 32-34 are pending in this application. In the Amendment, claims 1-9, and 26-31 were cancelled, and claims 10, 19, 20, and 22 were amended. This action is made Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-25 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenith (US 2008/0010659) and Wolpe (US 7,350,145).

Per claim 10, Zenith teaches a method of preparing and managing one or more transcripts at a server, wherein the one or more transcripts are used for accelerating the creation of a text message via an input device by a user, the method comprising the steps of:

Zenith teaches receiving a first plurality of text messages over a first period of time, each of the first plurality of text messages being entered by at least one of a plurality of users engaged in a message session (figs. 9 and 10; [0080]; [0081]);

storing each of the received first plurality of text messages in a database ([0067]; [0078]);

preparing a responses message, the responses message being comprised of at least a portion of the received first plurality of text messages that are stored in the database and transmitting the response to at least one user (figs. 9 and 10; [0080], and [0081]).

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Zenith does not specifically teach preparing a thesaurus and receiving a request from at least one user for a thesaurus. However, Wolpe teaches preparing a thesaurus based on a retrieved message (fig. 6B; col. 2, line 55- col. 3, line 7) and receiving a request from at least one user for a thesaurus (fig. 6B; col. 2, lines 55-col. 3, line 7 col. 8, lines 44-67; *which shows when a user places the cursor over a change point (i.e. user's request), list of word and phrase are displayed (i.e. thesaurus)*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the teaching of Wolpe in the invention of Zenith in order to create an intuitive and accessible scheme for graphically representing similar ideas, providing the users with access to diverse types of information and minimizes user interaction necessary for retrieval and inputting.

Per claim 11, the modified Zenith teaches the method of claim 10, further comprising the steps of: receiving a second plurality of text messages over a second period of time, storing each of the received second plurality of text messages in the database, updating the thesaurus with one or more of the second plurality of text messages stored in the database, transmitting the updated thesaurus to at least one user whereby the previously received thesaurus is replaced by the updated thesaurus (Zenith, figs. 9, 10; [0067]; [0085]).

Per claim 12, the modified Zenith teaches the method of claim 10, wherein each of the first and second plurality of text messages is associated with at least one topic and each of the first and second plurality of text messages is indexed in the database according to the at least one topic (Wolpe, col. 10, lines 5-35).

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Per claim 13, the modified Zenith teaches the method of claim 12, wherein the message session occurs in an Internet based chat room and the topic is selected based on the address of the chat room (Zenith, [0006]; [0007]; [0035]).

Per claim 14, the modified Zenith teaches the method of claim 12, wherein the message session occurs in an Internet based chat room and the topic is selected based on the content of the chat room (Zenith, [0006]; [0007]; [0035] and Wolpe, col. 10, lines 5-35).

Per claim 15, the modified Zenith teaches the method of claim 12, wherein the user identifies the topic (Wolpe, col. 10, lines 5-35).

Per claim 16, the modified Zenith teaches the method of claim 10, wherein the step of transmitting the thesaurus is based at least in part on the identity of the user (Zenith, [0031]; [0035]; Wolpe, col. 12, lines 11-21).

Per claim 17, the modified Zenith teaches the method of claim 10, wherein periodically, a subsequent thesaurus request is received and in response to the subsequent thesaurus request, an updated version of the thesaurus is transmitted (Zenith, [0035, [0067] and [0085]; Wolpe, col. 10, lines 5-35.)

Per claim 18, the modified Zenith teaches the method of claim 11, wherein the step of preparing a thesaurus comprises creating a thesaurus based at least in part for each topic in the database (Wolpe, col. 10, lines 5-35).

Per claim 19, the modified Zenith teaches the method of claim 18, wherein the thesaurus request identifies an associated topic and the step of transmitting an updated thesaurus further comprises selecting a thesaurus based on the associated topic (Zenith, [0035, [0067] and [0085]; Wolpe, col. 10, lines 5-35).

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Per claim 20, the modified Zenith teaches the method of claim 18, wherein the thesaurus request identifies the user's equipment and the step of transmitting an updated thesaurus further comprises selecting a thesaurus based on the user's equipment (Zenith, [0072]; [0074]).

Per claim 21, the modified Zenith teaches the method of claim 10, wherein each entry in the thesaurus has a score (Wolpe, col. 6, lines 49-67; col. 8, line 40- col. 9 line 11).

Per claim 22, the modified Zenith the method of claim 21, wherein the score is based on at least one criteria selected from a group of criterion including: the number of appearances of the word in the database, the number of different users that utilize the word, and when the word was added to the database (Wolpe, col. 6, lines 49-67; col. 8, line 40- col. 9 line 11).

Per claim 23, the modified Zenith teaches the method of claim 10, wherein the thesaurus is filtered (Wolpe, col. 6, lines 49-67; col. 8, line 40- col. 9 line 11; col. 10, lines 5-34.)

Per claim 24, the modified Zenith teaches the method of claim 23, wherein filtering the thesaurus is based on at least one criteria selected from a group comprises of: dirty words, sexual words, curse words and short words (Wolpe, col. 6, lines 49-67; col. 8, line 40- col. 9 line 11; col. 10, lines 5-34.)

Per claim 25, the modified Zenith teaches the method of claim 10, wherein the input device is selected from the group of input devices consisting of writing pens, touch screen displays, keyboards, keypads, mouse and voice recognition (Zenith, [0074]).

Claims 32-34 are rejected under the same rationale as claim 10, 21, and 22 respectively.

Response to Arguments

Applicants' arguments in the Amendment have been fully considered but are not persuasive.

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Applicant's primary argument is that "granted, Zenith's reference to a "store" is tantamount to a database. Importantly, however, Zenith makes not suggestion that the stores, whether remote or local in nature, may be comprises of received text messages (as is recited in the claim)). The examiner does not agree because in paragraph [0067], [0078], and [0085, Zenith discloses that transcripts are stored at local or remote storage 501, 502 or 805. Furthermore, in paragraph [0081], Zenith discloses that Fig. 9 shows a transcript that describes a conversation (i.e. text messages) between "Nico" and Zelda". Accordingly, Zenith reads on the claimed language of "storing each of the received first plurality of text messages in a database."

In addition, the applicant argues "while the options for the "change points" may be pulled from a thesaurus database, the fact remains that Wolpe does not describe, suggest or teach the creation of a thesaurus from content taken from previously received and stored text messages." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case the combination of Zenith teaches the claimed features because Zenith teaches storing and receiving of transcripts from a database as described above and Wolpe teaches preparing a thesaurus based on retrieved stored messages (fig. 6B; col. 2, line 55- col. 3, line7).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THANH T. VU whose telephone number is (571)272-4073. The examiner can normally be reached on Mon- Fri 7:00 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L. Bashore can be reached on (571) 272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thanh T. Vu/

Primary Examiner, Art Unit 2175